IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 10th day of August 2005
Criminal Misc. Bail Application No.574/2005
Order on the bail application of the accused

CRIMINAL SIDE

Harpal Singh
S/o Sri Prem Singh
R/o village Daur
Patti Dhamansyu
District Tehri Garhwal ..….Applicant

Versus

State of Uttaranchal ……..Opposite Party

Arising out of case crime No.423 of 2005
U/s 498-A, 304-B, 306 I.P.C.
P.S. Narendranagar
District Tehri Garhwal

Hon'ble J. C. S. Rawat, J.

Heard Sri Vinod Sharma learned counsel for the applicant, Sri Rajendra Kotiyal learned counsel for the complainant and learned A.G.A. for the State.

Perused the record. The applicant is the husband of the deceased. The first F.I.R. was lodged under section 306 I.P.C. Thereafter, the case was converted into under section 304-B I.P.C. There is no iota of fact in the FIR as well as in the statement recorded under section 161 Cr.P.C. that soon before the death of the deceased, the applicant committed the cruelty in connection with the dowry. The only allegation in the FIR against the applicant is that the husband used to beat and to commit cruelty upon his wife (deceased). Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 10.08.2005

LSR